



PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK FFICE

In re application of: Wayne, et al.

Application No.: 09/134,246

Group No.:

1636

Filed: August 14, 1998

Examiner:

W. Sandals

For: Method For Construction Of Thermus-E. coli Shuttle Vectors And

Identification Of Two Thermus Plasmid Replication Origins

Assistant Commissioner for Patents Washington, D.C. 20231

# PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. § 1.136(a))

1. This is a petition for an extension of the time for a total period of 3 months to

file acresponse to Final Rejection dated April 6, 2000

(indicate matter being extended)

NOTE: "Extensions of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).

- NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.
- NOTE: An extension of time under 37 C.F.R. § 1.136(a)(1) is available unless:
  - "(i) Applicant is notified otherwise in an Office action;
  - "(ii) The reply is a reply brief submitted pursuant to § 1.193(b);
  - "(iii) The reply is a request for an oral hearing submitted pursuant to § 1.194(b);
  - "(iv) The reply is to a decision by the Board of Patent Appeals and Interferences pursuant to § 1.196, § 1.197 or § 1.304; or
  - "(v) The application is involved in an interference declared pursuant to § 1.611."

### CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

#### **MAILING**

 □ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 18 12 12 2000

**FACSIMILE** 

☐ transmitted by facsimile to the Patent and Trademark Office. /

Signature

Melissa A. Jackson

(type or print name of person bertifying)

2. A response in connection	on with the matter for wh	ich this extension is req	uested:
is filed herewith.			
☐ has been filed.			
(con	nplete the following, if ap	plicable)	
to the filing of a continuing a conditioned upon the gra	of a continuing application as ing in such a case, the petition for application and also include an e nting of the petition and the g 13, 1983, 1031 O.G. 11-12.	or extension of time should spe express abandonment of the prio	cifically refer rapplication
	Is the filing of a continuation conditioned on the granting		
3. Applicant is			
a small entity. A st	atement:		
☐ is attached.			
	ed.		
other than a small	entity.		
4. Calculation of extension	fee (37 C.F.R. § 1.17(a)	(1)—(5)):	
Extension (months)	Fee for other than small entity	Fee for small entity	
☐ one month	\$ 110.00	\$ 55.00	
☐ two months	\$ 380.00	\$ 190.00	
	\$ 870.00	\$ 435.00	
☐ four months☐ five months	\$ 1,360.00 \$ 1,850.00	\$ 680.00 \$ 925.00	
	ψ 1,000.00	φ 923.00	
	Fee:	<b>\$</b> <u>435.00</u>	
If an additional extension of	time is required, please	consider this a petition	therefor.
(check and	d complete the next item,	, if applicable)	
therefor of \$ 190.	months has all 00 is deducted.	ready been secured. The ted from the total fee de	e fee paid ue for the
Extension fee due with this re	quest \$245.0	0	
5. Extended period for resp	onse	•	
Based on the extension requ has been filed, if any), the ext		se will expire on <u>Oct.</u>	

## 6. Fee Payment

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the defici ncy is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986; 1065 O.G. 31-33.

- Attached is a check in the sum of \$ 245.00
- $\square$  Charge fee to Account No.  $\underline{14-0740}$  This is a request to charge for any additional extension and/or fee required or credit for any excess fee paid.

A duplicate copy of this petition is attached,

Reg. No.: 30901

Tel. No.: (978 ) 927-5054 X:292

Customer No.:

SIGNATURE OF PRACTITIONER

Gregory D. Williams General Counsel

(type or print name of practitioner)
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